

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

ROBERT KOLINEK, individually and on
behalf of a class of similarly situated
individuals,

Plaintiff,

v.

WALGREEN CO., an Illinois corporation,

Defendant.

Case No. 13-cv-04806

Hon. Matthew F. Kennelly

**MOTION TO AMEND AUGUST 24, 2015 MINUTE ENTRY AND FOR
EXTENSION OF TIME TO FILE REPLY IN SUPPORT OF FINAL APPROVAL**

Plaintiff Robert Kolinek (“Plaintiff”), pursuant to Federal Rule of Civil Procedure 6(b), respectfully requests that the Court modify its August 24, 2015 Minute Order (Dkt. 171) to allow Plaintiff to file a reply to Objector Melinda Erin Franz’s Response in Opposition to Plaintiff’s Motion for Final Approval of Class Action Settlement (Dkt. 160) and to extend his deadline to file a reply in support of final approval (“Reply”) by seven (7) days to September 8, 2015. In support of the instant motion, Plaintiff states as follows:

1. On August 24, 2015, the Court entered a Minute Order that, among other things, (i) set Plaintiff’s deadline to respond to Objectors Gleith Cozby’s and Rende Bullard’s opposition to his motion for final approval of the class action settlement¹ as September 1, 2015 and (ii) scheduled the final fairness hearing for September 17, 2015. (Dkt. 171.)

2. During the August 24, 2015 hearing, the Court recognized that as the movant,

¹ Objectors Cozby and Bullard titled their response to Plaintiff’s motion for final approval as the “Reply Brief of Objectors Gleith Cozby and Rende Bullard in Opposition to the Settlement.” (Dkt. 159.) While they title their brief as a “reply,” it actually responds to Plaintiff’s motion for final approval. (*See id.*)

Plaintiff should be able to file a reply in support of final approval. Class Counsel understood this to mean that they would be able to file a Reply in response to Objectors Cozby's and Bullard's opposition *as well as* Objector Melinda Erin Franz's opposition to the Settlement. The August 24th Minute Order, however, was silent as to whether Plaintiff could respond to Objector Franz's opposition to final approval.

3. Accordingly, Plaintiff respectfully requests that the Court amend its August 24, 2015 Minute Order to allow him to respond to the oppositions of both Objector Franz and Objectors Cozby and Bullard in his Reply.

4. Additionally, while the Court originally continued the final fairness hearing to September 17, 2015 in its Minute Order (Dkt. 171), it reset the hearing for September 25, 2015 at the request of Defendant's counsel. (Dkt. 172.)

5. In light of the continued final approval hearing and the numerous issues discussed in the oppositions of Objector Franz and Objectors Cozby and Bullard to which Plaintiff plans to respond, Plaintiff requests a brief one (1) week extension of his deadline to file his Reply.

6. Accordingly, Plaintiff respectfully requests that the Court extend his deadline to file his Reply from September 1, 2015 to September 8, 2015.²

7. Plaintiff respectfully submits to the Court that the requested extension will not affect any other deadlines in this matter whatsoever, and that it is not made for any improper purpose.

² In its August 24th Minute Order, the Court also set Plaintiff's deadline to respond to Object Todd Spann's Motion for Attorneys' Fees as September 1, 2015. (Dkt. 171.) Plaintiff will respond to that motion by its original deadline and does not request an extension of this opposition deadline.

WHEREFORE, Plaintiff Robert Kolinek, individually and on behalf of the Settlement Class, respectfully requests that the Court amend the August 24, 2015 Minute Entry to (i) allow him to respond to Object Franz's opposition to his motion for final approval (Dkt. 160) and (ii) extend his deadline to file his Reply by seven (7) days from September 1, 2015 to September 8, 2015.

Respectfully submitted,

ROBERT KOLINEK, individually and on behalf
of the Settlement Class,

Dated: August 28, 2015

By: /s/ Rafey S. Balabanian
One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I, Rafey S. Balabanian, an attorney, hereby certify that on August 28, 2015, I served the above and foregoing ***Motion to Amend August 24, 2015 Minute Entry and For Extension of Time to File Reply in Support of Final Approval*** by causing a true and accurate copy of such paper to be filed with the Court and transmitted to all counsel of record via the Court's CM/ECF electronic filing system, on this the 28th day of August 2015.

/s/ Rafey S. Balabanian